

Legislature of North Carolina.

SENATE.

NIGHT SESSION.

SATURDAY, Dec. 17, 1870.

The Senate met at seven and a half o'clock.

Mr. Graham in the Chair.

On motion of Mr. Troy, the bill to restore to the Western Railroad Company its original charter, privileges, to regulate the appointment of State Directors, and to define the vote of the State in the general meetings of the Stockholders of said Company, was taken up and amended by striking out the proviso incorporated in the bill several days ago, and passed its final reading.

SPECIAL ORDER.

The consideration of the bill relating to the call for a Convention by the people, was resumed and was discussed at length.

Messrs. Warren and Dargan spoke at length in support of the bill. Their speeches were able and eloquent, and we expect to publish them in full in a few days.

Messrs. Robbins, of Rowan, Cook and Worth followed in short but forcible speeches in support of the bill.

G. W. Price, col., spoke in opposition to the bill—was opposed to a Convention any way.

Mr. Jones said as it was the understanding of the Senate to discuss this bill, so that both parties would have a fair showing, the night session had been called for that purpose, a full and free discussion had been had, and he moved to postpone the further consideration of the bill until Monday morning at 10:30 o'clock, and gave notice that he should call the previous question on its passage at 11 o'clock.

The motion prevailed, and the Senate adjourned.

The Senate proceedings of Monday, on account of the unusual length of the session, could not possibly be gotten up in time for to-day's western edition, we will give them in our edition of Wednesday, consumed in consideration of the Convention bill.

HOUSE OF REPRESENTATIVES.

MONDAY, Dec. 19, 1870.

Mr. Dunham, from the committee on Privileges and Elections, reported that Mr. Fisher of Bladen, was entitled to his seat in this House.

The committee was discharged from the further consideration of the matter.

By Mr. Brooks: A bill authorizing the Commissioners of Brunswick, to fill vacancies occurring in their body; referred.

By Mr. McNeill: A bill in favor of W. J. Brown of Robeson county, referred.

By Mr. Asher: A bill to regulate the appointment of guardians *ad litem*; referred.

By Mr. Hardy: A resolution to restore the credit of the State; placed on the Calendar.

Mr. Martin, from the House branch of the Select Committee on *per diem* and mileage submitted a report.

The rules were suspended and the report was taken up, (gives members \$5 per day and 20 cents mileage and is the same bill that passed the House some days ago and which the Senate amended, reducing the *per diem* to \$1 per day and mileage 10 cents, and the House refusing to concur in the amendments a Committee of Conference was had, which resulted in the House branch of the Committee reporting in favor of the provisions of the original House bill.)

Mr. Sparrow moved a concurrence in the report.

Mr. Marler hoped the motion to concur would not prevail.

Mr. Robinson was also opposed to a concurrence in the report.

Mr. Sparrow said he understood that the Senate had voted down the motion to concur in their body and it made no difference what action the House might take in the matter. He hoped the debate on the subject would cease and a vote be taken.

The previous question being called, on motion of Mr. Sparrow, a vote was taken and the motion to concur was defeated.

Mr. Sparrow moved that another committee of conference be asked of the Senate, to consider the question of *per diem* and mileage.

After some discussion, Mr. Sparrow called the previous question. The call was sustained, and the motion for a conference was put and carried by a vote of yeas 61, nays 23.

Mr. Scott, from the committee of 7, appointed to draft articles of impeachment against W. W. Holden, Governor of North Carolina, submitted a report setting forth a number of articles of impeachment against the Governor. The articles elaborately set forth the various and flagrant infractions of the Constitution by the Governor in his recent war against the people of Alamance and Caswell counties, his crimes and outrages against the liberties of other citizens of the State and other crimes and misdemeanors in office. The document is so voluminous that it is impossible to incorporate it in this report, but will be given in *extenso* as soon as possible. At the conclusion of the reading of the articles, Mr. Welch offered a resolution to go into a Committee of the Whole for the purpose of considering the articles of impeachment, and to nominate by ballot a committee of 9 members to conduct the trial before the Senate, which was adopted.

The House then resolved itself into the Committee of the Whole.

Mr. Strudwick was called to the chair.

On motion of Mr. Welch it was agreed to consider the articles of impeachment *seriatim*.

The Clerk read the first article impeaching the Governor for unlawfully sending troops into Alamance county, and unlawfully restraining certain citizens of their liberties, which was adopted.

The second article impeaching the Governor for unlawfully sending troops into Alamance county, and unlawfully restraining certain citizens of their liberties, which was adopted.

Article 3d, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 4th, in reference to the seizure and detention of John Kerr, S. P. Hill and many other citizens of Caswell county, was read and adopted.

Article 5th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 6th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 7th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 8th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 9th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 10th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 11th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 12th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 13th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 14th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 15th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 16th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 17th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 18th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 19th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 20th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 21st, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 22nd, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 23rd, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 24th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 25th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 26th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 27th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 28th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 29th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 30th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 31st, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 32nd, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 33rd, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 34th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 35th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 36th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 37th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 38th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 39th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 40th, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 41st, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

Article 42nd, in reference to the Governor refusing to obey a writ of *habeas corpus*, issued by Judge Pearson in behalf of A. G. Moore of Alamance county, was read and adopted.

mons sums from the Treasury of the State to further these criminal and unlawful military movements, was read and adopted.

On motion of Mr. Jarvis, the articles, as a whole were adopted.

Mr. Jarvis offered a resolution that the Committee of the Whole now proceed to elect a Board of seven Managers to conduct the trial before the bar of the Senate, and that the Committee recommend such Board to associate with them counsel learned in the law.

Mr. Justice was opposed to the resolution.

Mr. Phillips wished to know if there was any precedent for that there was, and alluded to the Andrew Johnson impeachment case, when the Board of Managers in that case were authorized to employ counsel if they wished.

The resolution was put to a vote and adopted.

Mr. Robinson nominated as Managers Messrs. Sparrow, Gregory, Dunham, Welch, Johnston of Buncombe, Scott and Broadfoot.

[The Republican side of the House nominated.]

A ballot was had and those gentlemen nominated by Mr. Robinson, having received a majority of the votes cast were declared elected.

On motion of Mr. Sparrow, the Committee arose, and

Mr. Strudwick, the Chairman, reported progress, and asked to be discharged.

The House then concurred in the report of the Committee of the Whole.

SENATE.

TUESDAY, Dec. 20, 1870.

At 11 o'clock the Committee of Managers in the matter of the impeachment of the Governor, accompanied by the members of the House of Representatives, entered the Senate chamber and were accommodated with seats on the right of the Chair.

Mr. President, on behalf of the Managers, said:

Mr. President—The Managers of the House of Representatives, by order of the House, are the bar of the Senate to receive the articles of impeachment, preferred against William W. Holden, Governor of North Carolina.

We deliver to you the Articles as adopted by the House, and in the name of the House and of the people of North Carolina demand that the Senate take order thereon.

President Caldwell said: In behalf of the Senate I receive the Articles of Impeachment against William W. Holden, Governor.

Proclamation was then made enjoining silence in the Senate whilst the Articles of Impeachment were being preferred.

The Articles were then read.

The Articles having been read, the President said:

Articles of Impeachment having been exhibited in the Senate against W. W. Holden, Governor of North Carolina, it becomes my duty, as presiding officer of the Senate, to inform the House of Representatives that the Senate will give to the Articles as adopted by the House, and in the name of the House and of the people of North Carolina demand that the Senate take order thereon.

President Caldwell then said:

SENATORS—It now becomes my duty, under the Constitution and Laws of the State, to retire from the Senate chamber, and to leave the presiding officer, and take charge of another department. Allow me, before retiring, to return thanks for the courtesy, kindness and consideration which you have always extended to me personally, and to the Senate as a whole.

The President having vacated the chair, on motion, Mr. Dargan was elected temporary chairman pending the election of a President of the Senate.

The vote resulted in the election of Mr. Warren as President of the Senate, Brodhead and W. M. Robbins receiving complimentary votes.

President Warren thanked the Senate for the compliment in selecting him as their presiding officer. The Senate would remember that John A. Luther, who was now no more to him, that he was not an adept in parliamentary law, or in the rules of the Senate, and that he would stand in need of aid. If, however, these imperfections should be overlooked, he believed there would be harmony in the Senate.

After considerable debate on the question of requesting the attendance of the Chief Justice of the Supreme Court to organize the court of impeachment—the question being simply that of the time—the Senate resolved to send a committee to request the Chief Justice's attendance on Friday morning next.

On motion of Mr. Jones the Articles of Impeachment were ordered to be printed—two copies for each member of the Senate.

The committee on conference on *per diem* and mileage, which the original bill passed by the House—\$5 per day, &c. Concurred in—yeas 20, no. 17.

Mr. Cowles was appointed to wait upon the Chief Justice.

Adjourned till to-morrow at 10 o'clock.

HOUSE OF REPRESENTATIVES.

TUESDAY, Dec. 20, 1870.

Mr. Sparrow arose to a question of privilege. The Standard, in its report of Monday's proceedings of the House, stated that Mr. Jarvis' resolution provided that the 7 managers of the impeachment trial, should employ "seven other counsel" to assist in the trial.

Mr. Sparrow proceeded to read the original resolution which stated that the Board of managers might employ counsel. He did not believe that the misrepresentation was intentional and only mentioned the matter that the mistake might be corrected.

By Mr. Gregory: A resolution that the managers of impeachment be allowed to employ a Clerk and messengers during the trial, and be allowed to send for persons and papers; placed on the Calendar.

By Mr. Johnston of Buncombe: A resolution that the Bill of Indictment against Geo. W. Swenson and M. S. Littlefield, found by the Grand Jury of Buncombe county, be placed in the hands of the Governor, that he may take steps to have the parties arrested; placed on the Calendar.

On motion of Mr. Gregory, the rules were suspended and his resolution that the board of managers be allowed to employ a clerk and messengers during the trial and have power to send for persons and papers was taken up.

Mr. Strudwick offered the following resolution:

WHEREAS, The Senate has notified the House that the Senate will receive the Articles of Impeachment against W. W. Holden, Governor of North Carolina;

Resolved, That the House of Representatives attend the Managers to the Senate Chamber at 11 o'clock, in the following order:

1st. The managers two, and two, headed by their chairman.

2d. The Principal and Assistant Clerks.

3d. The members two, and two.

Mr. Harris, of Franklin, offered a proviso, so that any member desiring it be excused from attending the managers. Mr. Harris said the Republican members did not wish to participate in such farcical proceedings.

Mr. Johnston of Buncombe replied that he favored the proviso, as the majority of the House were about to engage in matters in which the honor and dignity of the State were involved and should be maintained, and in order that the proceedings be clothed with dignity, decorum and decency.

Mr. Johnson of Buncombe, who was the Radical part of the House should be excused from attending.

Mr. Strudwick said that the resolution

was one usual to such occasions, and was not compulsory upon any one.

[Page, col., and one or two others of the Republican side of the House, wanted the vote and nays, and were disposed to delay the adoption of the resolution by parliamentary tactics, but were not sustained by their party friends.]

The resolution as amended was then adopted.

The Board of Managers then presented themselves at the Speaker's desk.

Mr. Speaker Jarvis then said to the Chairman of the Board of Managers, (Mr. Sparrow.)

I present to you articles impeaching W. W. Holden, Governor of North Carolina, which you are ordered to present at the bar of the Senate.

The House then, in the order designated in the above resolution, proceeded to the Senate Chamber. [For proceedings see Senate report.]

After an absence of some half an hour the members of the House returned to their Hall and were called to order by the Speaker.

A message was received from the Senate informing the House that the Senate had passed the bill concerning a Convention of the people and asking the concurrence of the House thereon.

On motion of Mr. Johnston of Buncombe, the rules were suspended and the Convention bill was taken up, referred to the Committee on Constitution and Reform, ordered to be printed and made the special order for to-morrow at 11 o'clock.

On motion of Mr. Ashe, the rules were suspended and the bill in relation to Inspectors for the city of Wilmington, was taken up.

Mabson, col., offered an amendment which, in substance, gave the appointment of such inspectors, weighers, &c., to the Board of County Commissioners.

Mr. Ashe hoped the bill would pass just as it came from the Senate. The bill was gotten up in the interest of no man or set of men, but was offered after consultation with numerous parties, and was offered in the interest of both the producer and the buyer, and had not the least party tinge about it, and he hoped it would meet the approval of all. The appointments, as the law now stood, were vested in the Governor and political appointments had been made, but this proposed to do away with such appointments.

Mr. Mabson's amendment was put to a vote and lost.

The bill then passed its second reading.

On motion of Mr. Ashe, the rules were suspended and the bill passed its third reading.

On motion of Mr. Johnston, of Buncombe, the rules were suspended and his resolution placed in the hands of the Governor, a copy of the bill of the indictment, found by the Grand Jury of Buncombe county against Geo. W. Swenson and M. S. Littlefield, in order that he might have the bill read, was taken up and passed its second reading.

On motion of Mr. Jordan, the rules were suspended, and his bill creating a commission to inquire into charges of corruption, was taken up.

Mr. Jordan offered amendments to the preamble and section 1st, which were adopted.

Mr. McAfee moved to strike out the name of "M. V. Lanier," and insert that of "H. W. Guion," of Mecklenburg; lost.

Mr. Harris of Franklin, moved to strike out the name of "Robt. Strange" in the Commission and insert that of "W. Scott of Greensboro;" lost.

Mr. Goodwyn moved to strike out the name of "Robt. Strange" and insert the name of "Robt. Strang" and insert the name of "Josiah Turner, Jr. of Orange;" lost.

Sykes, col., moved to strike out the name of "Robt. Strange" and insert the name of "Josiah Turner, Jr. of Orange;" lost.

On motion of Mr. Jordan, the previous question was called and the bill passed its second reading by a vote of yeas 92, nays 0.

The bill appointed David S. Ried, of Rockingham, Robert Strang, of New Hanover, and M. V. Lanier, of Granville, a Commission with enlarged powers to investigate the Railroad frauds.

House Adjourned.

THE ONSLAW RAIL ROAD.—We are

pleased to learn that a practical movement has been made looking to the building of this road at an early day. General William MacRae, General Engineer and Superintendent of the Macon and Brunswick (Ga.) Railroad, who is here on a visit, having volunteered his services, a party, consisting of the General, Mr. Rodrick MacRae and several others, yesterday started out for the purpose of making an experimental survey. A line will be run from this city, direct to Onslow, for about 23 or 25 miles when branch lines will be run from that point, in different directions, so as to look up the most practicable routes and from which the company, when incorporated, can choose such as may seem best.

Our Onslow friends will thus perceive that the people of this city are in earnest when they propose that a road shall be built from here to their country. This survey movement has originated entirely in this city, a fund having been made up here, by voluntary contributions, for the expenses of the present undertaking, such as the payment of the assistants engaged in running the line and for the incidental expenses to be incurred. It is to be hoped that the enterprise will soon be definitely determined on.

For the Journal.

Rosebank.

F. A. Newbury, Esq., the proprietor of the above named beautiful garden at Magnolia, with an eye to the cultivation of all that is rare and beautiful, has just made an extensive addition to his already large collection of plants and flowers, by the importation from the celebrated gardens of Frederick Adolph Haage, Jr., Erfurt, Prussia, of a large and varied inventory of the most elegant bulbs and plants known in European Floriculture. Among others, he has received the far-famed Colibicum and Lenifolium, both members of the Lily family. There are none others of the class in the United States, and these have been secured at much expense, but Mr. Newbury has no idea of half-way work, and heeds no expense by which his garden may be improved and beautified.

Though the enterprise was started since the season is past, it has been conducted with such skill and energy as to be already the largest in the State, and embraces a collection of rare worth and beauty, which does much credit to the judgment with which they have been selected. Repeated visitations always presents some new and desirable attraction, the result of his determination to have none but the very best, and to have that at any cost or from wherever it can be obtained.

COSMOPOLITE.

FROM DR. S. S. SATCHEL, the attendant

physician, who was in the city yesterday, we learn that the two men who were shot at Long Creek, on Monday night, by L. D. Cherry, are both in a critical condition.

An examination was had on Monday afternoon, before Justices W. J. Bivins and P. H. Bell, which was carefully and deliberately conducted, and which resulted in the discharge of Mr. Cherry.

The attention of our readers is especially directed to the advertisement of Messrs. Northrop & Cumming, Commission Merchants, in this city, whose card appears in this issue. This firm is composed of live, energetic men, and persons consigning to them may rest satisfied of their prompt and personal attention. Special care is paid to shipments of corn, peanuts and cotton, in the sale of which they have had an extended experience, one of the firm having been engaged in the corn business for the last 15 years.

Messrs. Northrop & Cumming are also proprietors of the Wilmington Steam Saw and Planing Mills, and can furnish any kind and quantity of building materials at short notice.

THE VERY LATEST NEWS BY TELEGRAPH.

WAR IN EUROPE.

PARIS STILL CONFIDENT.—PROVISIONS PLENTIFUL.

THE PRUSSIAN BOMBARD NAHE.

THE PRUSSIAN RESUME THEIR MARCH ON HAVRE, AND ARE DETERMINED TO HAVE HER.

AFFAIRS AT ROME.

FROM WASHINGTON CITY.

London, Dec. 21.

Paris advices to the 17th inst. have been received.

The army and citizens are still calm, resolute and confident. Provisions are plenty and there is no disorder